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RUEHFR/AMEMBASSY PARIS PRIORITY 2044  
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 1220  
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RUEHPS/USOFFICE PRISTINA PRIORITY 0366  
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SUBJECT: ICTY CHIEF PROSECUTOR CARLA DEL PONTE IN ROME

Classified By: Classified by David D. Pearce, Political Minister Counse  
lor, for reasons 1.4 (b) and (d).

¶1. (C) Summary. On July 18, ICTY Chief Prosecutor Carla Del Ponte visited Rome to discuss the new Serbian action plan for compliance with the tribunal. Del Ponte told the Italians that she expected the action plan to result in the arrest and transfer of Mladic to the tribunal. The Italians urged Del Ponte to give the EU some flexibility in restarting EU SAA talks. D'Alema told Del Ponte that if the action plan does not produce results, the SAA talks could always be frozen. Under the current circumstances, the EU has no leverage in its dealings with the Serbian government as Kosovo status talks approach a critical phase. A skeptical Del Ponte told D'Alema that she would reserve judgment until the operational details of the plan are announced. End summary.

¶2. (C) Carla Del Ponte met with FM D'Alema on July 18 to discuss the Serbian action plan for ICTY compliance. According to Raimondo De Cardona, Director of the Balkans Office of the Italian MFA, D'Alema told Del Ponte that the GOI fully supported the work of the ICTY and saw compliance as a precondition to SAA membership talks. A hard-line on determining compliance and the suspension of the SAA talks, however, was denying the EU of leverage over the Serbian government and was preventing the international community from supporting the democratic forces during the Kosovo status talks. As it was, the GOI considered the freezing of the SAA talks a mistake. D'Alema argued that this action plan could provide a way out for the ICTY to certify that Serbia is in compliance and allow the SAA talks to restart. D'Alema noted that for the first time, the GOS had declared the arrest and transfer of Mladic as a key point of cooperation with the tribunal. If the action plan failed to produce results, the SAA talks could once again be frozen.

¶3. (C) Del Ponte maintained that Serbia's ICTY requirements had to include the arrest and transfer of Mladic. Del Ponte was concerned that the recently announced action plan would not lead to tangible results in delivering Mladic to the tribunal. She noted that Serbia had been through this exercise before and it had seemed to be nothing more than window dressing to meet compliance deadlines. She recognized, however, that the international community needed to engage Serbia in order to push it in the right direction. Although she remained skeptical on the action plan, she told D'Alema that she would wait to see the operational details of the action plan.

¶4. (C) Comment. The GOI recognizes that the Serbian

Government has failed to live up to previous pledges of ICTY compliance in the past. It also recognizes that various forms of conditionality have proven effective in forcing Belgrade's hand with regard to transferring indictees. It remains concerned, however, that the current Serbian government will fall before the final stages of Kosovo status negotiations and believe that offering Serbia some breathing room could ease the pressure.

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